IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8279 OF 2004

Kalawantiben M. Turakhia & Ors. ... Petitioners

V/s.

Ramanlal Manilal Shah & Anr. ... Respondents

Mr.P.K. Dhakephalkar for Petitioners
Mr.Arora i/b Ms.Pratibha Rokade for Respondents

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JULY 19, 2005**

P.C.:

. The Petition has been filed against an order passed by the learned Chief Judge of the Small Causes Court transferring Appeal No.48 of 2004 filed by the Petitioners from the Bandra branch to a Bench sitting in the main branch since that bench had already heard a part of the arguments while sitting at Bandra. This Bench in the main branch has also split. The Petitioner has challenged the power of the learned Chief Judge to transfer appeals in this fashion.

2. Without going into the merits of the controversy, I am of the view that interests of justice would be met if the appellate Bench at Bandra hears and decides the appeal within a period of two months.

Accordingly, the impugned order is set aside. The appellate Bench at Bandra shall hear and decide the Appeal bearing No.48 of 2004 within two months from the receipt of a copy of this order. The parties are expected to cooperate with the Appellate Court in disposing of the appeal within the stipulated time.

3. Writ Petition is disposed off accordingly.